



Mail: P.O. Box 5231, Princeton, NJ 08543-5231

212 Carnegie Center
Suite 400
Tel 609.896.3600 Fax 609.896.1469
www.foxrothschild.com

October 25, 2024

Via PACER/ECF

The Honorable Michael A. Shipp, U.S.D.J.
The Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Product Liability Litig., Case No. 3:16-md-2738 (MAS)/(RLS)

Dear Judge Shipp and Judge Singh:

We write as counsel for Beasley Allen/Andrew Birchfield and in opposition to Johnson & Johnson's pending motion to remove Beasley Allen from the Plaintiffs' Steering Committee. ECF No. 33290. As this Court is aware from our correspondence posted on ECF earlier today, we are mindful of the Text Order this Court issued yesterday (ECF 33334). Subsequent to that Text Order, however, we received a further Order from Judge Lopez stating that the bankruptcy stay applies to Johnson & Johnson's motions to disqualify Beasley Allen/Andrew Birchfield. Johnson & Johnson agrees that all motions to disqualify are stayed--and Johnson & Johnson has filed a motion to stay the pending parallel matter in State Court. That Text Order expressly states that Johnson & Johnson's action to disqualify Beasley Allen/Andrew Birchfield is stayed: "**The Court supplements the October 21, 2024 ruling to state that the stay also extends to any action by Johnson & Johnson or any other entity to disqualify any counsel in any case.**" *Red River Talc Litigation*, Case 24-01394, Docket #48 This Text Order was then formally entered into an Order by Judge Lopez at Docket No. 57, page 7, page 6 (attached to prior correspondence).



October 25, 2024

Page 2

As Your Honors are aware, we have written and called chambers several times today in order to resolve the conflict between the two competing orders—and I personally apologize if this is unwanted behavior. By way of explanation and excuse, I am deeply concerned about failing to comply with Your Honor's Order but also do not want to put my client in a position of violating the subsequent Texas Court Order. As we received no further direction from this Court subsequent to the Texas's Court Order entered yesterday, we are going to delay filing before Your Honor until we receive further direction from this Court. We take this action without prejudice to our right to file at the appropriate time.

Respectfully submitted,

/s/ Jeffrey M. Pollock

JEFFREY M. POLLOCK

cc: All Counsel (*via* ECF)